

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

The State of LOUISIANA,
By and through its Attorney General,
Elizabeth B. Murrill; et al.,

PLAINTIFFS,

v.

U.S. DEPARTMENT OF EDUCATION; et al.,

DEFENDANTS.

Civil Action No. 3:24-cv-00563-TAD-KDM

Chief Judge Terry A. Doughty
Magistrate Judge Kayla D. McClusky

UNOPPOSED MOTION FOR EXPANSION OF PAGES

Plaintiffs are a coalition of four sovereign States, one state agency, and 17 local school boards. They respectfully request leave to exceed the 25-page limit set forth in Local Rule 7.8 and file a 30-page Memorandum in Support of their Motion for a Postponement or Stay under 5 U.S.C. § 705 or Preliminary Injunction. As good cause for this request, Plaintiffs represent:

1. On April 29, 2024, the U.S. Department of Education published new Title IX regulations that would transform the classrooms, lunchrooms, bathrooms, and locker rooms of American schools. *See Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 89 Fed. Reg. 33,474 (Apr. 29, 2024) (to be codified at 34 C.F.R. pt. 106) (the “Rule”).

2. That same day—April 29, 2024—Plaintiffs State of Louisiana, Louisiana Department of Education, State of Mississippi, State of Montana, and State of Idaho filed this action alleging that the Rule is unlawful because, among other reasons, it is contrary to Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–88, exceeds Defendants’ statutory authority, violates the

Spending Clause, is an unconstitutional exercise of legislative power, and is arbitrary and capricious. On May 3, 2024, Plaintiffs filed an Amended Complaint, and 17 local school boards joined the suit.

3. The Rule’s effective date—absent judicial intervention—is August 1, 2024. Plaintiffs, however, are currently suffering irreparable harm including coercion, invasions of state sovereignty, and unrecoverable compliance costs. Although some unrecoverable compliance costs have already been incurred the bulk of the initial compliance costs will be incurred in late June and July 2024.

4. As detailed in their Amended Complaint and the Memorandum in Support of their Motion for a Postponement or Stay under 5 U.S.C. § 705 or Preliminary Injunction, the consequences of the Rule’s rewrite of Title IX are extensive and severe: Boys and girls will be forced to share bathrooms, locker rooms, and lodging on overnight field trips with members of the opposite sex, including adults. Teachers will be forced to use whatever pronouns or “neopronouns” are demanded based on a student’s self-professed “gender identity” and must force students to do so as well. School boards (including Plaintiff School Boards) will be forced to revise policies, develop new training materials, train staff, and ensure schools are complying with the Rule, and undertake costly construction projects. All recipients of Title IX funding (including Plaintiffs) will be forced to face increased compliance costs and increased liability when they inevitably are sued by (1) Rule objectors (e.g., parents and students) for violating constitutional rights in an effort to comply with the Rule, and (2) Rule proponents for failing to adequately comply with the Rule’s impossible obligations. Finally, recipients (including Plaintiffs) who wish to resist the Rule will run into Defendants’ coercive power to withhold significant federal funding on which they rely.

5. The issues raised by this action are of extraordinary importance as Defendants seek to restructure our society, dictate what children must say and believe about existential questions about humanity, and coerce Plaintiffs and their institutions into being the federal government’s agents in

those efforts. Moreover, this restructuring imposes immediate burdens and irreparable harm on Plaintiffs.

6. In order to adequately brief the issues raised by this case, Plaintiff States respectfully request leave to file the attached 30-page brief in support of their Motion for a Postponement or Stay under 5 U.S.C. § 705 or Preliminary Injunction. The modest number of additional pages would further the parties' and the Court's shared interest in ensuring that all legal issues presented by this case are adequately and thoroughly presented, while not overburdening the Court with too many additional pages given the need for a decision on an expedited basis.

7. Furthermore, Defendants' counsel has represented that Defendants do not oppose Plaintiffs' request for five additional pages, and Plaintiffs do not oppose Defendants getting five additional pages to respond to Plaintiffs' Motion for a Postponement or Stay under 5 U.S.C. § 705 or Preliminary Injunction. Granting this Motion will therefore not cause any prejudice.

CONCLUSION

For the foregoing reasons, this Court should grant this motion for an expansion of pages for Plaintiffs' Memorandum in Support of their Motion for a Postponement or Stay under 5 U.S.C. § 705 or Preliminary Injunction.

Dated: May 13, 2024

Respectfully submitted,

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**Admitted Pro Hac Vice or Pro Hac Vice
admission application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I electronically filed the foregoing document (and all of its attachments) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participating attorneys. I also caused the foregoing document (and all of its attachments) to be served by Certified Priority Mail, return receipt requested on Defendants at:

| | |
|---|--|
| Miguel Cardona Secretary U.S. Department of Education 400 Maryland Ave., SW Washington, DC 20202 | U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Dept of Ed. Bldg 400 Maryland Ave., SW Washington, DC 20202 |
| U.S. Department of Education 400 Maryland Ave., SW Washington, DC 20202 | United States Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530 |
| Catherine Lhamon, Assistant Secretary U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Dept of Ed. Bldg 400 Maryland Ave., SW Washington, DC 20202 | Merrick Garland U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530 |
| Civil Process Clerk U.S. Attorney Office Western District of Louisiana 800 Lafayette Street, Suite 2200 Lafayette, LA 70501 | U.S. Attorney General Civil Processing Clerk 950 Pennsylvania Ave. NW Washington, DC 20530 |

I further certify that I caused the foregoing document (along with all of its attachments) to be emailed to Benjamin T. Takemoto (Benjamin.Takemoto@usdoj.gov).

This the 13th day of May, 2024.

/s/ Tracy Short
Tracy Short (La # 23940)
Assistant Chief Deputy Attorney General

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiffs conferred with opposing counsel regarding this Motion for Expansion of Pages. On May 13, 2024, counsel for Plaintiffs learned that Benjamin T. Takemoto will be representing Defendants in this manner. Plaintiffs' counsel emailed Mr. Takemoto to inquire whether Defendants oppose this Motion. Mr. Takemoto stated that Defendants do not oppose our request for five additional pages and that Defendants would appreciate five additional pages for their response.

/s/ Tracy Short
Tracy Short (La # 23940)
Assistant Chief Deputy Attorney General